

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RSI CORP., dba RESPONSIVE SYSTEMS  
COMPANY, a New Jersey corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION, a New York corporation;  
and DOE DEFENDANTS 1-20,

Defendants.

Case No. C-08-03414 RMW

**ORDER TENTATIVELY DENYING  
MOTION TO SEAL**

[Re Docket No. 258]

The court tentatively denies IBM's motion to seal. Scott Commerson's declaration, Dkt. No. 258-1, is insufficient to establish that the redacted information is "privileged or protectable as a trade secret or otherwise entitled to protection under the law." L.R. 79-5(a). If IBM wishes the information contained in its papers filed in support of its motion to continue the trial date and Commerson's declaration to stay confidential, it must file a new declaration on or before February 6, 2013, setting forth with specificity and with supporting case law how the redacted information constitutes a trade secret or is otherwise entitled to protection under the law.

Dated: January 24, 2013

  
Ronald M. Whyte  
United States District Court Judge